

To: Sharon Jaffess

Voice Phone Number: 1-212-637-4396

From: Clifford Firstenberg

Company: Firstenberg Consulting, LLC

Fax Number: 757 258 7721

Voice Number: 757-258-7720

Mindy's fax

732-321-6788

MESSAGE

Sharon

Here is CLH's response to your letter. I will send the original via FEDEX today; and follow-up with copies to NJDEP tomorrow.

Thanks Cliff

> 836200001 Date: 4/25/00 1 of 1 Pages:

Two Tower Center Blvd. 10th Floor East Brunswick, New Jersey 08816

CHEMICAL LAND HOLDINGS, INC.

April 25, 2000

U.S. Environmental Protection Agency, Region II Emergency and Remedial Response Division 290 Broadway, 19th Floor, Room W-20 New York, NY 10007-1866

Attention:

Ms. Sharon J. Jaffess

Remedial Project Manager

Subject:

April 17, 2000 EPA Letter

Re: Passaic River Study Area

Administrative Order on Consent Index No. II-CERCLA-0117 Remedial Investigation Feasibility Study - Ecological Sampling

(Mudflat Locations and Tissue Configurations)

Dear Ms. Jaffess:

As stated in my e-mail acknowledgement on April 24, 2000, Chemical Land Holdings (CLH) received the above-referenced letter on April 24, 2000, to which this letter responds.

Your letter requires that we discuss a number of questions raised by the Biological Technical Assistance Group (BTAG) prior to initiation of the Spring ESP sampling event, and if hecessary, meet to discuss these items. As you know from my e-mails dated March 6, 2000 and April 21, 2000, as well as from our conversation on April 20, 2000, we are planning to begin the Spring sampling event on May 1, 2000; and have begun mobilization according to the schedule submitted to you in my latest e-mail. Therefore, I prefer that we resolve these questions via letter, phone, etc., or we may need to postpone the start of the Spring sampling event to accommodate everyone's schedule to convene a meeting.

In response to the specific items in your letter:

1a. GPS Coordinates for Mudflats.

We have these data (as shown during CLH's presentation to the Community Action Group on September 9, 1999) and based on your request, have initiated preparations to submit these to the Agency as soon as possible. To expedite the process, you will receive the requested maps under separate cover from ENTRIX. We have not prepared an assessment of the changes in the mudflat configurations compared to the ESP. This was not a requirement of the RI Work Plan, nor the ESP Work Plan, and may provide ill-based results since the mudflats illustrated on the ESP maps were interpreted from aerial photography. Therefore, these original illustrations do not represent a dataset comparable to surveyed locations.

Apr-25-00 2:29PM;

Letter to S. Jaffess Response to April 17, 2000 Letter - Ecological Sampling April 25, 2000

1b. Tissue data - mudflats

The letter refers to "the text" with the implication that this is the text from the ESP. You are correct, the ESP specifies Stations 1, 4, and 7 for mummichog and crab sample collection for the Spring event. CLH does not, however, recall any agreement to alter the ESP sampling locations to 1, 11, and 14. While CLH is open to BTAG/EPA suggestions regarding alternate sampling stations, it would be inappropriate to collect a sample for the purposes of the ESP from a Judgemental Sampling station, as there is a known bias to these stations. Therefore, to better represent each of the 2-mile segments of the Study Area, CLH suggests stations 1, 8, and 11, which are consistent with the locations of the upper trophic level tissue samples.

2. Passaic River Study Area Reaches

The letter is unclear in its reference to "reaches" in the Passaic River. CLH assumes that by reach 1, 2, and 3, EPA is referring to 2-mile segments of the river, rather than to the 5 named Reaches within the Study Arca (Point-No-Point, Harrison, Newark, Kearny, and part of Arlington). Following are the sample locations with descriptions of their locations within the Study Area.

SUMMARY OF SAMPLING CONDUCTED DURING LS/EF **ESP SAMPLING PROGRAM**

Reach	Sampling Description	Comments
1	Station 1	Less than ½-mile upstream from downstream boundary of Study Area.
2	Station 8	Approximately mid-way within mile segments 2-4.
3	Station 11	Approximately ½-mile downstream from upper boundary of Study Area.

The planned distribution of upper trophic level tissue samples was provided to EPA in CLH's letter dated October 22, 1999. This letter contained two tables as follows:

- 1. ESP LATE SUMMER/EARLY FALL UPPER TROPHIC LEVEL FISH CATCH SUMMARY – shows a summary of the catch achieved versus the ESP targets.
- 2. ESP LATE SUMMER/EARLY FALL UPPER TROPHIC LEVEL FISH CATCH DISTRIBUTION - shows the catch achieved and the planned samples by station and area.

CLH complied with this plan in its distribution of upper trophic level fish tissue to the analytical laboratories for analysis. For your convenience, copies of the above-referenced tables are attached to this letter.

Letter to S. Jaffess Response to April 17, 2000 Letter - Ecological Sampling April 25, 2000

I will call to follow up on the issues/questions raised in EPA's letter. However, please let me know if this addresses the concerns of the BTAG and EPA regarding the Spring sampling event under this ESP.

Sincerely,

Clifford E. Firstenberg

Project Manager

On behalf of Occidental Chemical Corporation

(as successor to Diamond Shamrock Chemicals Company)

Attachment

Copy to:

J. Berg, NJDEP

A. Hayton, NJDEP

C. Dinkins

ESP LATE SUMMER/EARLY FALL UPPER TROPHIC LEVEL FISH CATCH SUMMARY

		10072104250
Target Number of Samples	Passalc	Mullica
Striped Bass Adult - Whole	3	3
Striped Bass Juvenile - Whole	3	3
White perch - Whole	9	3
American Eel - Whole	9	3
Total	24	12
Number of Samples Collected		
Striped Bass Adult - Whole	3	1
Striped Bass Juvenile - Whole	3	0
White perch - Whole	9	0
American Eel - Whole	0	1
Other	0	0
Atlantic Menhaden	6	2
Bluefish	2	1
Total	23	5
Target Number of Samples	12	
Total Number of Samples	8	

Apr-25-00 2:30PM;

ESP LATE SUMMER/EARLY FALL UPPER TROPHIC LEVEL FISH CATCH DISTRIBUTION

Sent By: Firstenberg Consulting, LLC;

Station Species Caught Fish Number of Number of Fish (grams) Of Fish Number of Number of Fish (grams) Of Fish Samples of Fish Samples Number of Fish (grams) Of Fish Samples of Fish Samples Of Fish Singed Bass - Juveniles Of Fish Singed Bass -							
Total Fish Number of Number Total Fish Species Caught Fish of Fish Grams Of Fish Of Fi					Fish for Edible	e di Die	
Species Total Fish Number of Gaught Fish of Fish (grams) Total Fish Of Fish Of Fish (grams) Total Fish Of Fish		arget	Actual	ual	Fillets	80	
Species Total Fish Number of Number of Fish (grams) Total Fish of Fish (grams) Image: Caught of Fish (grams) Number of Fish (grams) Image: Caught of Fis	1467	Nedmin		Number	7	red mil	Frozen
Species Caught Fish of Fish (grams) Striped Bass - Adults 15 3 12 5554 2 Striped Bass - Juvenile 4 2 2 6 2 8 2 2 6 7 8 1 6	Welght		Number	of	Number	jo	Saved for
Striped Bass - Adults 15 3 12 5554 2 Shiped Bass - Juvenile 4 2 2 68 2 White Perch 1 1 0 0 6 Eel 0 0 0 6 6 Cother 17 3 14 4814 Bluefish 10 2 8 2075 Bluefish 1 0 4 4253 Waskfish 1 0 4 4263 White Perch 1 0 0 0 Gizzard Shad 4 0 4 4263 White Perch 40 6 34 4544 2 Striped Bass - Juveniles 11 4 7 861 White Perch 40 6 34 4544 2 Striped Bass - Juveniles 5 2 3 266 Blueback Herring 0 0 0 0 <t< th=""><th>(हमजार)</th><th>Samples</th><th>of Fish</th><th>Samples</th><th>of Fish S</th><th>Samples</th><th>Spring</th></t<>	(हमजार)	Samples	of Fish	Samples	of Fish S	Samples	Spring
Striped Bass - Adults 15 3 12 5554 2 White Perch 1 1 0 0 6 Eel 0 0 0 6 6 Chrer 1 1 0 6 6 Other 4 0 0 6 6 Blueafish 10 2 8 2075 8 Blueafish 1 3 8 2075 8 Blueafish 1 0 4 4253 4 6 2 Striped Bass - Juveniles 11 3 8 4544 2 2 Striped Bass - Juveniles 11 3 8 4544 5 2 White Perch 40 6 34 2684 6 3 268 6 3 268 6 3 2 6 1 6 3 3 3 3 3 3 3 3							
Striped Bass - Juvenile 4 2 2 68 2 White Perch 1 1 0 0 6 Eel 0 0 0 0 6 Ceres 0 0 0 6 6 Other 17 3 14 4814 Bluefish 10 2 8 2075 Bluefish 1 0 4 4553 Weakfish 11 3 8 4544 2 Shiped Bass - Adults 11 4 7 861 2 Shiped Bass - Juveniles 1 0 0 6 6 Shiped Bass - Juveniles 1 4 4544 2 844 Shiped Bass - Juveniles 4 6 34 264 6 Other 6 34 264 6 6 Allamic Menhaden 5 2 3 36 348 46 11890 <	5554	-	4	2	9	3	2
White Perch 1 1 0 6 Eel 0 0 0 0 6 Other 0 0 0 0 6 Other 17 3 14 4814 Bluefish 10 2 8 2075 Bluefish 1 0 4 4253 Weakfish 1 0 4 4253 Weakfish 1 0 1 60 Shiped Bass - Juveniles 11 4 7 861 2 Shiped Bass - Juveniles 1 4 4 454 2 Shiped Bass - Juveniles 5 2 34 268 6 Eel Other 5 4 46 11890 6 Other 5 2 3 2 6 Gizzard Shad 5 2 3 2 6 Other 6 3 3 3	88	-	7	0			0
Eel 0 0 0 0 6 Other Other 17 3 14 4814 Atlantic Menhaden 17 3 14 4814 Blueback Herring 2 1 1 30 Gizzard Shad 4 0 4 4253 Weakfish 11 3 8 4544 2 Striped Bass - Juveniles 11 4 7 861 2 Striped Bass - Juveniles 40 6 34 2684 6 Eel 0 0 0 0 6 1 White Perch 50 4 46 11890 6 Bluefish 5 2 3 266 8 Gizzard Shad 5 2 1 120 6 Gizzard Shad 5 2 3 2 2 Weakfish 2 2 0 0 Striped Bass - Juveniles	٥	3	0	0			0
Other 4814 Atlantic Menhaden 17 3 14 4814 Blueback Herring 2 1 1 30 Gizzard Shad 4 0 4 4253 Weakfish 11 3 8 4544 2 Striped Bass - Adults 11 4 7 861 2 Striped Bass - Juveniles 40 6 34 2684 6 Eel 0 0 0 0 6 Other 34 46 11890 Bluefish 5 2 3 266 Blueback Herring 5 2 3 266 Blueback Herring 5 2 3 2 Gizzard Shad 1 1 120 Gizzard Shad 1 2 2 3 Striped Bass - Adults 5 2 3 3 3 Striped Bass - Juveniles 6 1 5 <	c	8	0	0	0		0
Atlantic Menhaden 17 3 14 4814 Bluefish 10 2 8 2075 Blueback Herring 2 1 1 30 Gizzard Shad 4 0 4 4253 Weakfish 11 0 1 60 Striped Bass - Adults 11 4 7 861 2 White Perch 40 6 34 2684 6 6 White Perch 0 0 0 0 0 6 6 Colher Allantic Menhaden 50 4 46 11890 6 Bluefish 5 2 3 266 6 Bluefish 5 2 3 266 6 Bluefact 5 2 3 2 6 Gizzard Shad 5 2 3 2 8 Gizzard Shad 6 1 5 7 8							
Bivefish 10 2 8 2075 Biveback Herring 2 1 1 30 Gizzard Shad 4 0 4 4253 Weakfish 11 3 8 4544 2 Striped Bass - Adults 11 4 7 861 2 Striped Bass - Juveniles 11 4 7 861 2 White Perch 40 6 34 2684 6 2 Chile 6 34 2684 6 6 Chile 6 34 2684 6 6 Chile 6 34 2684 6 6 Chile 6 34 46 11890 6 Biuefish 5 2 3 266 6 Biueback Herring 2 1 1 120 6 Gizzard Shad 6 1 5 1 2 Shiped Bass	-		9	3			88
Blueback Herring 2 1 1 30 Gizzard Shad 4 0 4 4253 Weakfish 11 0 1 60 Striped Bass - Adults 11 4 7 861 2 Striped Bass - Juveniles 11 4 7 861 2 White Perch 40 6 34 2684 6 Eal 0 0 0 0 6 Other Atlantic Menhaden 50 4 46 11890 Blueback Herring 5 2 3 268 Blueback Herring 5 2 3 268 Gizzard Shad 1 0 0 0 Shiped Bass - Juveniles 6 1 5 1 Shiped Bass - Juveniles 6 1 5 1 White Perch 39 3 36 2489 6 Chine 0 0 0 <t< td=""><td></td><td></td><td>4</td><td>2</td><td>4</td><td>F</td><td>0</td></t<>			4	2	4	F	0
Gizzard Shad 4 0 4 4253 Weakfish 1 0 1 60 Shiped Bass - Juveniles 11 3 8 4544 2 White Perch 40 6 34 2684 6 White Perch 40 6 34 2684 6 Collection 0 0 0 0 6 Other Atlantic Menhaden 50 4 46 11890 Blueback Herring 5 2 3 268 Blueback Herring 2 1 1 929 Weakfish 2 2 0 0 0 Gizzard Shad 1 0 1 929 White Perch 2 2 0 0 Shiped Bass - Juveniles 6 1 5 761 2 White Perch 39 3 36 2489 6 Othor 0 0 <t< td=""><td>1 30</td><td></td><td></td><td></td><td></td><td></td><td>-</td></t<>	1 30						-
Weakfish 1 0 1 60 Striped Bass - Adults 11 3 8 4544 2 Striped Bass - Juveniles 11 4 7 861 2 White Perch 40 6 34 2684 6 6 Eel Other 0 0 0 6 6 6 Other Atlantic Menhaden 50 4 46 11890 6 6 Blueback Herring 5 2 3 266 7 6 7 Gizzard Shad 1 0 1 929 7 8 8 Weekfish 2 2 0 0 0 0 0 0 0 Sinped Bass - Juveniles 6 1 5 761 2 8 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6							4
Striped Bass - Adults 11 3 8 4544 2 Striped Bass - Juveniles 11 4 7 861 2 White Perch 40 6 34 2684 6 Eel 0 0 0 6 6 Other 46 1890 6 6 Atlantic Menhaden 50 4 46 11890 Bluefish 5 2 3 266 Blueback Herring 2 1 1 120 Gizzard Shad 1 0 0 0 0 Wheekfish 2 2 0 0 0 Siriped Bass - Juveriles 6 1 5 761 2 Siriped Bass - Juveriles 6 1 5 761 2 White Perch 39 3 36 2489 6 Othor 0 0 0 6	1 60				,		-
Striped Bass - Juveniles 11 4 7 861 2 White Perch 40 6 34 2684 6 Eel 0 0 0 6 6 Other 50 4 46 11890 6 Atlantic Menhaden 50 4 46 11890 6 Bluefash 5 2 3 266 7 Blueback Herring 2 1 1 120 6 Gizzard Shad 1 0 0 0 0 0 Weakrlish 2 2 0 0 0 0 Shiped Bass - Juveniles 6 1 5 761 2 White Perch 39 3 36 2489 6 White Perch 0 0 0 6 6	4544	1	2	1	9	3	0
White Perch 40 6 34 2684 6 Eel 0 0 0 6 6 Other Atlantic Menhaden 50 4 46 11890 6 Biuefish 5 2 3 266 6 1 6 1 6 1 6 1 6 1 6 1 6 1 6 1 6 1 6 1 6 1 6 1 6 1 6 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 3 3 6 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 3 3 3 3 3		1	2	1	0	0	5
Eel 0 0 0 6 Other Atlantic Menhaden 50 4 46 11890 Biluefish 5 2 3 266 Blueback Herring 2 1 1 120 Gizzard Shad 1 0 0 0 0 Weekflish 2 2 0 0 0 0 Striped Bass - Juveniles 6 1 5 761 2 0 White Perch 39 3 36 2489 6 6 Chibar 0 0 0 0 6 6	2684	3	15	4			19
Other Other 4 46 11890 Bluefish 5 2 3 286 Blueback Herring 2 1 1 120 Gizzard Shad 1 0 1 929 Weekfish 2 2 0 0 Striped Bass - Adults 2 0 2 301 2 Striped Bass - Juveniles 6 1 5 761 2 White Perch 39 3 36 2489 6 Cel 0 0 0 6 6	0	3	0	0		11-11	0
Atlantic Menhaden 50 4 46 11890 Bluefish 5 2 3 266 Blueback Herring 2 1 1 120 Gizzard Shad 1 0 1 929 Weekfish 2 0 0 0 Shriped Bass - Adults 2 0 2 301 2 Shriped Bass - Juveniles 6 1 5 761 2 White Perch 39 3 36 2489 6 Eel 0 0 0 6 6							
Bluefish 5 2 3 266 Blueback Herring 2 1 1 120 Gizzard Shad 1 0 1 929 Weakfish 2 2 0 0 Shriped Bass - Auveniles 6 1 5 761 2 White Perch 39 3 36 2489 6 Eel 0 0 0 6 6			9	3			40
Blueback Herring 2 1 120 Gizzard Shad 1 0 1 929 Weakfish 2 2 0 0 Striped Bass - Adults 2 0 2 301 2 Striped Bass - Juveniles 6 1 5 761 2 White Perch 39 3 36 2489 6 Eel 0 0 0 6 6							3
Gizzard Shad 1 0 1 929 Weekfish 2 2 0 0 Shiped Bass - Adults 2 0 2 301 2 Shiped Bass - Juveniles 6 1 5 761 2 White Perch 39 3 36 2489 6 Eel 0 0 0 6 6					-	-	1
Weakfish 2 2 0 0 Shiped Bass - Adults 2 0 2 301 2 Shiped Bass - Juveniles 6 1 5 761 2 White Perch 39 3 36 2489 6 Eel 0 0 0 6 6							1
Shiped Bass - Adults 2 0 2 301 2 Shiped Bass - Juveniles 6 1 5 761 2 White Perch 39 3 36 2489 6 Eel 0 0 0 6	_					~~	0
Bass - Juveniles 6 1 5 761 2 Perch 39 3 36 2489 6 0 0 0 0 6	301	1	0	0	2	-	0
Perch 39 3 36 2489 6 0 0 0 0 6	761	1	3	2			2
9 0 0 0 0	2489	3	33	5			3
Ознос	0	3	0	0	0	0	0
aden 2 1 1	1 352						1
Gizzard Shad 2 0 2 1843							2
Channel Caffish 1 1 0 0	_						0

Apr-25-00 2:30PM;

UPPER TROPHIC LEVEL FISH CATCH DISTRIBUTION **ESP LATE SUMMER/EARLY FALL**

	ļ	uə	f for	gu			<u> </u>		F-7		T	T	T	T	Τ]	J	Ţ		<u> </u>				-	_			
		Frozen	Saved for	Spring	_	0	4	°				7		- 0	°	°	0	٥		<u>~</u>	9	0	0	<u>°</u>	ျ			2 ~				3	왕	2					7
Flah for Edible	Fillets	Number	of	Samples						~_				_							>											-							
Flah &			Number	of Fish																						_	_	_	_		_	+			_	_			
yses	Actual	Number	of	Samples	0	0	0	0		1					-	0	0	1		1		0	0	0	0		,	-											
Body Anal	Act		Number	of Fish	0	0	0	-		2					-	0	+	3		2		0	0	0	0		,	1											
Fish for Whole Body Analyses	Target	Nember	ŏ	Samples	-	-	3	3							-	-	3	3				-	-	3	3														
Fish	Tar		Number	of Fish	2	2	9	89							2	2	9	9				2	2	9	9									_					
lable for	Chemistry	Total	Weight	(grams)	\$20	0	420	09		1310	260	710	2/02	30	830	0	4	1 <u>8</u>		1750	0	0	0	0	0	Ş	3	210	006	330	630	100	20240	5020	120	180	50	330	•
Eigh Available for	Среп		Number	of Fish	4	0	4	-		3		2	- -	- 0	-	0	-	3		5	0	0	0	0	0		-	2 6	,	-	-	Ş	40	2	1	1	1	1	2
Fish Used	for Pathology		Number of	Fish	-	٥	4	-		-	0	-		2	0	0	2	0		2	1	0	0	-	٥	Ĭ	_	,	2	0	0	+	5	0	0	0	0	1	0
			Total Fish	Caught	9	o	8	2		4		e	-	-	-	0	3	3		7	1	0	0		0	ľ	7 8	3 4	3	_	-	9	3	2	1	-	-	2	2
				Species	Striped Bass - Adults	Striped Bass - Juveniles	White Perch	Eel	Other	Bluefish	Blueback Herring	Channel Cathsh	G-22-in onao	Alewife	Striped Bass - Adults	Striped Bass - Juveniles	White Perch	Eel	Other	Bluefish	Gizzard Shad	Striped Bass - Adults	Striped Bass - Juveniles	White Perch	Eel	Oner All All All All All All All All All Al	Allantic Mentiagen	Blieback Herrino	Gizzard Shad	Northern Kingfish	Summer flounder	Spot	Weakfish	Fine-toothed shark	Black Drum	Blackwinged Sea Robbin	Blue Runner	Red Ear Sardine	Unknown Grouper
				Station	_	(2 % 0)									22	(15%)							(25%)																